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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FASTENERS FOR RETAIL, INC.,

CASE NO: 2:10-CV-0306-JCM-RJJ

Plaintiff,

DEFAULT JUDGMENT

V.

NINGBO LIUHE PLASTICS CO. LTD.
and NINGBO ZHENHAI LIUHE
PLASTICS CO. LTD.,

Defendants.

Plaintiff Fasteners for Retail, Inc.'s ("FFR") Motion For an Award of Statutory Damages having been fully briefed, the Court having considered FFR's Verified Complaint against Defendants Ningbo Liuhe Plastics Co. Ltd. and Ningbo Zhenhai Liuhe Plastics Co. ("Ningbo") and all exhibits thereto, the Declaration of Paul A. Mueller, FFR's Memorandum of Law in support of its motion, the default entered against Ningbo for failing to appear or otherwise respond to the Complaint despite proper service of same and the summons, and the Court being fully advised in the premises, finds as follows:

1. FFR is the owner of six patents, one registered trademark, four copyrighted photographs, and trade secrets at issue in this litigation. These items are collectively referred to as the "Intellectual Property," and they are presumed valid.

1 2. Ningbo acquired access to FFR's Intellectual Property through a
 2 business relationship in which Ningbo was required to sign a confidentiality
 3 agreement.

4 3. After the business relationship between FFR and Ningbo
 5 ended, Ningbo used FFR's Intellectually Property to create and market competing
 6 products that are substantially identical to those of FFR.

7 4. Ningbo has, by its actions, infringed FFR's six patents, one
 8 trademark through 17 different Ningbo products, and four copyrighted works,
 9 and Ningbo has misappropriated trade secrets. The Court finds that Ningbo's
 10 infringement was willful because it knew of FFR's Intellectual Property, having
 11 gained knowledge thereof directly from FFR through a prior business relationship
 12 and had agreed to keep it confidential and not use the Intellectually Property for
 13 its own benefit.

14 5. 17 U.S.C. § 504(c)(1) allows a court to award statutory damages
 15 of not less than \$750 and not more than \$30,000 for every instance of copyright
 16 infringement.

17 6. 17 U.S.C. § 1117(c)(1) allows a court to award statutory
 18 damages of not less than \$1,000 and not more than \$200,000 for every instance of
 19 trademark infringement.

20 **Accordingly, IT IS HEREBY ORDERED THAT:**

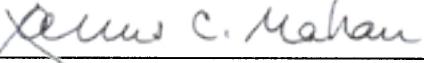
21 1. In addition to the permanent injunction entered by separate
 22 order, Plaintiff is awarded the following statutory damages:

23 2. \$20,000 for each of the four instances of copyright infringement,
 24 for a total of \$80,000 for copyright infringement.

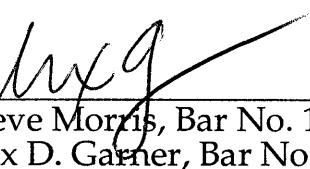
25 3. \$5,000 for each of Ningbo's 17 products that infringe upon
 26 FFR's trademark, for a total of \$140,000 for trademark infringement.

1 4. The total judgment of \$220,000 shall accrue post-judgment
2 interest as pursuant to 28 U.S.C. § 1961.
3

4 DATED: August 20, 2010.

5 
6 UNITED STATES DISTRICT COURT JUDGE
7

8 *Order Prepared By:*
9 MORRIS PETERSON

10 By 
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